

REMARKS

This Amendment is responsive to the Final Rejection of June 8, 2009. This Amendment is being filed concurrently with the Appeal Brief. Reconsideration and allowance of all claims is requested.

The Present Amendment Should Be Entered

The present amendment should be entered as reducing the issues on appeal and requiring no further search or consideration.

First, the amendment amends claim 4 to cure the 35 U.S.C. § 112, first and second paragraph rejections. This amendment thus reduces the issues on appeal and, it is submitted, requires no further search or consideration.

Second, this amendment places the subject matter of allowable claims 27 and 28, in the alternative, into claim 4. Because claims 27 and 28 were indicated as containing allowable subject matter, it is submitted that this reduces the issues on appeal by placing claim 4 in condition for allowance. Because claim 4 is simply a combination of claims 4 and claims 27 or 28 which was already considered by the Examiner, it is submitted that this amendment raises no issues that would require further search or consideration.

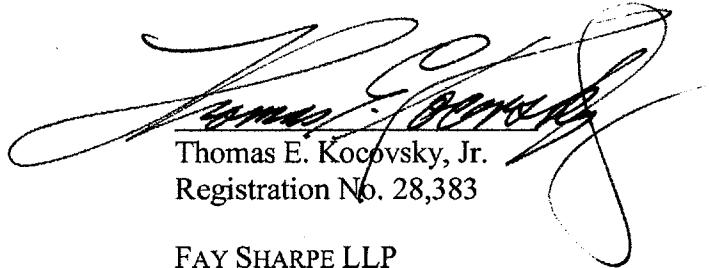
Third, this amendment places claim 29, which the Examiner indicated as containing allowable subject matter, in independent form.

Fourth, dependent claim 21 purports to depend from cancelled claim 20. Although the Examiner did not note this defect in the Office Action, it is submitted that this defect should be corrected. This amendment amends claim 21 to depend from claim 29, which provides full antecedent basis.

Because claim 29 was previously indicated as containing allowable subject matter, i.e., because claim 29 is an allowed claim, it is submitted that depending claim 21 from it will raise no issues that will require search or consideration.

An early entry of this Amendment and an allowance of all claims, for the reasons set forth in the accompanying Appeal Brief, are requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas E. Kocovsky, Jr.", is written over a stylized, decorative flourish.

Thomas E. Kocovsky, Jr.
Registration No. 28,383

FAY SHARPE LLP
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115-1843
Telephone: 216.363.9000 (main)
Telephone: 216.363.9122 (direct)
Facsimile: 216.363.9001
E-Mail: tkocovsky@faysharpe.com